

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

FILED - CLERK  
U.S. DISTRICT COURT

2005 MAY -2 PM 3:54

TX EASTERN-BEAUMONT

BY Rebecca M. Mullen

DONALD FOSTER, #1038609

§

VS.

§

CIVIL ACTION NO. 9:05cv15

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL


The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus concerning prison disciplinary proceedings should be denied. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. It is further

**ORDERED** that all motions by either party not previously ruled on are hereby  
**DENIED.**

SIGNED this 30th day of April, 2005.

  
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RON CLARK  
UNITED STATES DISTRICT JUDGE